

FREQUENTLY ASKED QUESTIONS

Change in Age of Emancipation for Purposes of Child Support from 21 to 19 as of July 1, 2012

Information obtained from the Indiana Department of Child Services – www.in.gov/DCS

Q: What might parents need to do if they have a child who will be 19 or older on July 1, 2012?

For Title IV-D cases where the only or youngest child will be at least 19 as of July 1, 2012:

Parents should not need to do anything. The state's ISETS system will terminate the current support obligation, and if no arrears are owed, ISETS will close the case. Prosecutor staff will need to send out a new Income Withholding Order (IWO) (termination IWO, if no arrears are owed; otherwise, a modified IWO for arrears only) for those cases.

For Title IV-D cases where the oldest child will be at least 19 as of July 1, 2012, but younger children remain on the case:

Parents will need to seek a modification of the court order if they wish to have a new child support obligation established for just the unemancipated children (i.e. those under 19 as of July 1, 2012). Prosecutor staff may file petitions to modify child support at the request of IV-D participants. Until the court issues a modified child support order, the original obligation will remain in effect.

For non-IV-D cases where the only or youngest child will be at least 19 as of July 1, 2012:

If a non-custodial parent seeks to stop or modify the amount of child support being withheld from income because the youngest or only child is emancipated, it is recommended the non-custodial parent complete an income withholding order available by following this link <www.in.gov/dcs/2936.htm> and submit it to the court that issued the child support order for the judge's approval. Once the income withholding order is signed by a judge, the non-custodial parent can forward it to the employer.

For non-IV-D cases where the oldest child will be at least 19 as of July 1, 2012, but younger children remain on the case:

Parents may wish to seek a modification of the court order so that a new obligation can be established for just the unemancipated children (i.e. those under age 19 as of July 1, 2012). The Indiana Judicial Center's Self-Service Legal Center <www.in.gov/judiciary/selfservice> has forms that can assist you with this process. Custodial and non-custodial parents should consult a private attorney or Legal Services Organization with any additional questions.

Q: My youngest/only child will be 19 by July 2012, but the other parent still owes child support from the past. Will he/she still be required to pay what is owed?

A: Yes. The change in age at which the duty to support a child ends does not relieve noncustodial parents of their responsibility to pay any past due child support that is still owed.

Q: My oldest child will be 19 by July 1, 2012, but I have younger children who still live with my ex-spouse. Will my support order automatically decrease on July 1st since my oldest will be emancipated?

A: No. You will need to file a petition to modify support with the court that issued your child support order. For cases handled by the Child Support Enforcement Unit (Title IV-D cases), the Prosecutor's office can assist you. You may also file a petition to modify support on your own or may seek the assistance of a private attorney or a Legal Services Organization. See the Indiana Judicial Center's Self-Service Legal Center <www.in.gov/judiciary/selfservice> for assistance with filing a petition on your own.

Q: My child turned 19 in June of last year (2011). Can I ask for a refund of monies I paid since that time?

A: No. The change in law does not go into effect until July 1, 2012. If your child turned 19 before July 1, 2012, your child support obligation will be terminated effective July 1, 2012, and there will be no refund of any money paid between the child's 19th birthday and July 1, 2012. However, if you are past due on support, you will be obligated to make those payments.

Q: Will money automatically stop being taken out of my check by my employer?

A: If you owe a child support arrearage, money will continue to be taken out by your employer until your arrears are paid in full or until your employer receives a Notice to Terminate or Modify Income Withholding Order. If you believe you do not owe any child support arrearage and your case is being enforced by the Child Support Enforcement Unit of the Prosecutor's Office, contact the Prosecutor's Office. If appropriate, the Prosecutor will issue an order to your employer to terminate the wage withholding. If your case is not being handled by the Child Support Enforcement Unit of the Prosecutor's Office, you will need to have the court terminate the wage withholding. A copy of the withholding form can be found by following this link to the Indiana Department of Child Services web site <www.in.gov/dcs/2936.htm>.

Q: Can I contact my employer to have a child support wage withholding stopped?

A: No. Employers should not stop taking the child support from your check until they receive a Notice to Terminate Income Withholding Order either from the court or the Child Support Enforcement Unit of the Prosecutor's Office.

Q: My child is 19 but still in high school. Can I still receive child support until that child graduates?

A: No. Child support stops at the age of 19. However, you may file a petition with the court for an educational expenses order which would address how you and the other parent should provide for post-secondary educational expenses, *if your child goes on for further education after high school graduation*. If your child support order was issued prior to July 1, 2012, you have until your child's 21st birthday to petition the court for an educational expenses order. If your child support order will be issued on or after July 1, 2012, you will have until your child's 19th birthday to seek an order for educational expenses.

Q: Can I petition the court to receive child support until my child graduates from college?

A: The duty to support a child ends when the child turns 19. However, a court *may* order one or both parents to provide continuing support for the child's post-secondary educational needs if the child is going to college. If your court order for child support was issued prior to July 1, 2012, you may file a petition with the court for an order for educational needs any time before your child's 21st birthday. For child support orders issued on or after July 1, 2012, a petition for educational needs must be filed with the court before the child's 19th birthday.

Q: Will the Prosecutor's Office file a petition for post-secondary educational needs for my child?

A: No, but you can file a petition on your own or with the help of a private attorney or Legal Services Organization. If your court order for child support was issued prior to July 1, 2012, you may file a petition with the court for an order for educational needs any time before your child's 21st birthday. For child support orders issued on or after July 1, 2012, a petition for educational needs must be filed with the court before the child's 19th birthday.

Q: My child is 18 but no longer in school. Do I have to continue to pay until next year when my child turns 19?

A: Yes. Unless you obtain a court order terminating your child support obligation prior to the child turning 19, your child support obligation will continue until the child's 19th birthday.

Q: My child lives in another state, but the support order was issued by a court in Indiana. Will the change in Indiana's law affect the duty to support my child?

A: Yes. The age at which a duty to support a child stops is governed by the law of the state that issued the *original* support order, regardless of where the child and/or custodial parent live at the current time.

Q: What if my child support order was issued in another state?

A: If your original child support order was not issued by a court in Indiana, then this change may not apply to your case. Different states have different laws regarding the age when the duty to support a child ends. For this reason, you will need to consult with the Prosecutor or your private attorney to determine when your child support obligation will end.

Q: What if my child is disabled? Will my child support stop on July 1, 2012?

A: If a court has issued an order stating that your child is incapacitated, your child support will continue until the incapacity is removed or until the court orders the termination of the child support obligation.

Q: If either a closed Title IV-D case or an open non-IV-D case has educational expenses as its only open subaccount, can the Prosecutor's office reopen this case solely for the purpose of enforcing the educational expense order?

A: No. In order for the Title IV-D office to enforce educational expenses, there must be a current support order in effect.

Marion County Resources

For questions about Income Withholding Orders (IWO) or mail-in payments (checks or money orders), contact the **Indiana Department of Child Services Child Support Bureau**:

Tele: (317) 233-5437

(800) 840-8757

Website: www.in.gov/dcs/support.htm

The State of Indiana's web site also has many online resources to download or review forms:

Department of Child Services: www.in.gov/dcs/2936.htm

Indiana Judicial Center's Self Service Legal Center – www.in.gov/judiciary/selfservice

For questions about non-IV-D cases filed in Marion County, contact the **Marion County Superior or Circuit Court** that issued the original order. View the list of Marion County Circuit and Superior Courts here: <http://www.indy.gov/eGov/Courts/Superior/CourtInfo/Listings/>

For questions on Title IV-D cases, Marion County residents should contact the **Marion County Prosecutor's Office**:

Tele: (317) 327-1800

Website: www.indy.gov/mcpo

For questions regarding automatic deductions, payment histories or cash/credit card payments, contact the **Marion County Clerk's Office Child Support Division**:

Tele: (317) 327-4709

Website: www.indy.gov/clerk